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10 General Teamsters Local No. 386

11 UNITED STATES OF AMERICA  
12 NATIONAL LABOR RELATIONS BOARD

13 GENERAL TEAMSTERS UNION LOCAL  
14 NO. 386,

15 Petitioner,

16 and

17 MODESTO RADIOLOGY IMAGING, INC.,

18 Employer.

No. 32-RC-098291

**PETITIONER GENERAL  
TEAMSTERS UNION LOCAL NO.  
386'S MOTION TO EXPEDITE  
CONSIDERATION OF EXCEPTIONS**

19 This is a representation matter. The election was held on February 27, 2013.

20 As detailed in the documents before the Board, the issue before the Board is whether  
21 certain team lead persons are supervisors. The Employer took the position that these team leads  
22 were supervisors throughout the proceedings, including on the day of the election when it  
23 challenged them as supervisors. Only when ballots of those supervisors became determinative,  
24 did the Employer dishonestly and disingenuously change its position.

25 The Region, after a full hearing, found that the team leads were supervisors and the  
26 Employer after requesting a delay to file Exceptions has now filed Exceptions which have been  
27 pending before the Board since August 9. This delay has done nothing except to sabotage the  
28 Section 7 rights of the employees to be represented by the Petitioner.

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1           Petitioner asks that the Board expedite its consideration of this case, deny the Exceptions  
2 and direct that the appropriate Certification issue.

3  
4 Dated: October 24, 2013

WEINBERG, ROGER & ROSENFELD  
A Professional Corporation

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6 By: /s/ David Rosenfeld  
7 CAREN P. SENCER  
8 DAVID A. ROSENFELD  
Attorneys for Petitioner,  
General Teamsters Local No. 386

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1 **PROOF OF SERVICE**  
2 **(CCP §1013)**

3 I am a citizen of the United States and resident of the State of California. I am employed  
4 in the County of Alameda, State of California, in the office of a member of the bar of this Court,  
5 at whose direction the service was made. I am over the age of eighteen years and not a party to  
6 the within action.

7 On October 24, 2013, I served the following documents in the manner described below:

8 **PETITIONER GENERAL TEAMSTERS UNION LOCAL NO. 386'S MOTION TO**  
9 **EXPEDITE CONSIDERATION OF EXCEPTIONS**

- 10 ☒ (BY U.S. MAIL) I am personally and readily familiar with the business practice of  
11 Weinberg, Roger & Rosenfeld for collection and processing of correspondence for  
12 mailing with the United States Parcel Service, and I caused such envelope(s) with  
13 postage thereon fully prepaid to be placed in the United States Postal Service at  
14 Alameda, California.
- 15 ☒ (BY FACSIMILE) I am personally and readily familiar with the business practice of  
16 Weinberg, Roger & Rosenfeld for collection and processing of document(s) to be  
17 transmitted by facsimile and I caused such document(s) on this date to be transmitted by  
18 facsimile to the offices of addressee(s) at the numbers listed below.
- 19 ☒ (BY ELECTRONIC SERVICE) By electronically mailing a true and correct copy  
20 through Weinberg, Roger & Rosenfeld's electronic mail system to the email addresses  
21 set forth below.

22 On the following part(ies) in this action:

23 Mr. Gordon A. Letter  
24 Littler Mendelson, P.C.  
25 2049 Century Park East, 5th Floor  
26 Los Angeles, CA 90067-3107  
27 [gletter@littler.com](mailto:gletter@littler.com)

Regional Director  
NLRB, Region 32  
1301 Clay Street, Room 300N  
Oakland, CA 94612  
(510) 637-3315

*Via Electronic Mail*

*Via Facsimile and U.S. Mail*

28 I declare under penalty of perjury under the laws of the United States of America that the  
29 foregoing is true and correct. Executed on October 24, 2013, at Alameda, California.

30 /s/ Joanna Son  
31 Joanna Son